



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

BLUE RIDGE REGIONAL OFFICE

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www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

Robert J. Weld
Regional Director

February 4, 2020

Mr. Desi W. Gulley
INGENCO Wholesale Power, LLC
Vice President Operations Manager
2250 Dabney Road
Richmond, VA 23230

Location: Pulaski County
Registration No. 21548

Dear Mr. Gulley:

Attached is a Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning February 4, 2020.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on May 20, 2019 and solicited written public comments by placing a newspaper advertisement in *The Southwest Times* on December 18, 2019. The thirty-day required comment period, provided for in 9VAC5-80-270 expired on January 21, 2020.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve INGENCO Wholesale Power, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

To review any federal rules referenced in the attached permit, the US Government Publishing Office maintains the text of these rules at www.ecfr.gov, Title 40, Part 63.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact Mary Monroe at mary.monroe@deq.virginia.gov or (540) 562-6850.

Sincerely,



Robert J. Weld
Regional Director

Attachments: Permit and Statement of Basis

cc: Riley Burger, EPA Region III (burger.riley@epa.gov)
Matthew Weeks, INGENCO Wholesale Power, LLC (Matthew.Weeks@riverviewpwr.com)
Susan Tripp, DEQ Office of Air Permit Programs (OAPP) (susan.tripp@deq.virginia.gov)
Nicole Wright, DEQ BRRO Air Compliance Specialist (electronic)
Margaret Wagner, DEQ BRRO Air Compliance Manager (electronic)



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**Federal Operating Permit
Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	INGENCO Wholesale Power, LLC
Facility Name:	INGENCO Wholesale Power, LLC – New River
Facility Location:	7148 Cloyds Mountain Road
Registration Number:	21548
Permit Number:	BRRO-21548

This permit includes the following programs:
Federally Enforceable Requirements - Clean Air Act

February 4, 2020

Effective Date

Robert J. Weld, Regional Director

February 3, 2025

Expiration Date

February 4, 2020

Signature Date

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Facility Information

Permittee:

INGENCO Wholesale Power, LLC
2250 Dabney Road
Richmond, VA 23230

Responsible Official

Desi W. Gulley
Vice President Operations Manager

Facility

INGENCO Wholesale Power, LLC – New River
7148 Cloyds Mountain Road
Dublin, VA 24084

Contact Person

Matthew Weeks
Associate, Environmental Professional

County-Plant Identification Number: 51-155-00068

Facility Description: NAICS Code: 221119 – Other Electric Power Generation

INGENCO Wholesale Power, LLC – New River (INGENCO) is an electric power generation facility located at the New River Resource Authority Regional Solid Waste Management Facility – Registration No. 21397. However, the facilities are permitted as separate sources with separate registration numbers and permits.

The facility currently operates with a minor NSR permit issued on March 29, 2013 to construct and operate a landfill gas to electricity generating plant. The facility operates twelve Detroit Diesel Series 60 engines/350 kW generators. The approved fuels for the engines are distillate fuel, biodiesel fuel and landfill gas.

The facility is a Title V major source of carbon monoxide (CO) and nitrogen oxides (NO_x). The source is located in an attainment area for all pollutants and is a Prevention of Significant Deterioration (PSD) minor source.

Emission Units

Process Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
A1-A6	S-1	6 Detroit Diesel Series 60 Engines (date of construction 1995-1998)/ 350kW generators – Distillate fuel, biodiesel, landfill gas	475 BHP each	LFG filter, turbocharger, inlet charge air cooling system	---	PM, NO _x	March 29, 2013
B1-B6	S-2	6 Detroit Diesel Series 60 Engines (date of construction 1995-1998)/ 350kW generators – Distillate fuel, biodiesel, landfill gas	475 BHP each	LFG filter, turbocharger, inlet charge air cooling system	---	PM, NO _x	March 29, 2013
BB-1	BB1	Burnham Model: RSA1351N-TB-Distillate fuel	0.133 MMBtu/hr	---	---	---	March 29, 2013

*The Size/Rated capacity and PCD efficiency is provided for informational purposes only and is not an applicable requirement.

Fuel Burning Equipment Requirements – (BB-1)

Limitations

1. **Fuel Burning Equipment Requirements – (BB-1) – Limitations** – Visible emissions from the boiler (BB-1) stack shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity. The opacity standards for the boiler (BB-1) apply at all times except during periods of startup, shutdown and malfunction.
(9VAC5-80-110, 9VAC5-50-20 and 9VAC5-50-80)

Monitoring

2. **Fuel Burning Equipment Requirements – (BB-1) – Monitoring** - At least one time per calendar month, an observation of the presence of visible emissions from the boiler (BB-1) stack shall be made. The presence of visible emissions shall require the permittee to:
 - a. take timely corrective action such that the boiler (BB-1) resumes operation with no visible emissions, or,
 - b. conduct a visible emission evaluation (VEE) on the boiler stack in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the boiler stack are 20 percent opacity or less. If any of the observations exceed the opacity limitation of 20 percent, the observation period shall continue until a total of sixty (60) minutes of observations have been completed. Timely corrective action shall be taken, if necessary, such that the boiler (BB-1) resumes operation within the 20 percent opacity limit.

The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action and the name of the observer. If the boiler (BB-1) has not been operated for any period during the entire month, it shall be noted in the log book.

(9VAC5-80-110 E & K)

Recordkeeping

3. **Fuel Burning Equipment Requirements – (BB-1) – Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:
 - a. Results of monthly visible emission observations of the boiler stack.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent (5) years.
(9VAC5-80-110)

MACT Subpart JJJJJJ – Industrial, Commercial, and Institutional Boilers (Area Sources) – (BB-1)

General Compliance Requirements

4. **MACT Subpart JJJJJJ - (BB-1) – General Compliance Requirements** - The permittee shall comply with the applicable requirements of National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers 40 CFR 63, Subpart JJJJJJ as listed in Conditions 4 through 13 by the applicable compliance date as specified in 40 CFR 63.11196(c).
(9VAC5-80-110 and 40 CFR 63.11196(c))
5. **MACT Subpart JJJJJJ – (BB-1) – General Compliance Requirements** – The permittee shall comply with the applicable General Provisions as specified in Table 8 to Subpart JJJJJJ of Part 63.
(9VAC5-80-110 and 40 CFR 63.11235)
6. **MACT Subpart JJJJJJ – (BB-1) – General Compliance Requirements** – At all times the permittee shall operate and maintain any affected source, including associated air pollution control equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by 40 CFR 63 Subpart JJJJJJ have been achieved. Determination of whether such operation and maintenance procedures are being used will be based upon information as outlined in 40 CFR 63.11205(a).
(9VAC5-80-110 and 40 CFR 63.11205(a))

Work Practice Standards and Management Practices

7. **MACT Subpart JJJJJJ – (BB-1) – Work Practice Standards and Management Practices** – The permittee shall comply with each applicable work practice standard and management practice specified in Table 2 to Subpart JJJJJJ of Part 63.
(9VAC5-80-110 and 40 CFR 63.11201)

Initial Compliance Requirements

8. **MACT Subpart JJJJJJ – (BB-1) - Initial Compliance Requirements** – For new affected boilers that have applicable work practice standards or management practices, the permittee is not required to complete an initial performance tune-up, but the permittee is required to

complete the applicable 5 year tune up as specified in 40 CFR 63.11223 no later than 61 months, after the initial startup of the new affected source.
(9VAC5-80-110 and 40 CFR 63.11210(g))

Continuous Compliance Requirements

9. **MACT Subpart JJJJJJ – (BB-1) – Continuous Compliance Requirement** - To demonstrate continuous compliance with the work practice standards, the permittee shall:
- a. Conduct a 5-year tune up as specified in 40 CFR 63.11223(b)(1)-(7) and keep records as required in 40 CFR 63.11225(c). Each 5-year tune-up must be conducted no more than 61 months after the previous tune-up.

(9VAC5-80-110 and 40 CFR 63.11223(a) and (d))

Notifications, Reports and Recordkeeping

10. **MACT Subpart JJJJJJ – (BB-1) – Notifications** – The permittee shall submit the following notifications:
- a. All of the notifications in 40 CFR 63.7(b) and (c), 63.8(e) and (f) and 63.9(b) through (e), (g), and (h) that apply to the permitted facility by the dates specified.
 - b. The initial notification must be submitted within 120 days after the source becomes subject to the standard.
- (9VAC5-80-110, 40 CFR 63.11225(a))
11. **MACT Subpart JJJJJJ – (BB-1) – Reports** – For a boiler only subject to a requirement to conduct a 5-year tune-up according to 40 CFR 63.11223(a) and not subject to emission limits or operating limits, the permittee shall prepare only a 5-year compliance report as specified in 40 CFR 63.11225(b)(1) and (2).
- a. The 5-year compliance report shall be submitted to the Air Compliance Manager, Blue Ridge Regional Office upon request.

(9VAC5-80-110 and 40 CFR 63.11225(b))

12. **MACT Subpart JJJJJJ – (BB-1) – Recordkeeping** – The permittee shall keep the following records:
- a. A copy of each notification and report that the permittee submitted to comply with 40 CFR 63 Subpart JJJJJJ, including all documentation supporting any Initial Notification that the permittee submitted according to the requirements in 40 CFR 63.10(b)(2)(xiv).

- b. Records to document conformance with the work practices and management practices required by 40 CFR 63.11223 as specified in 40 CFR 63.11225(c)(2)(i).
- c. For each boiler that meets the definition of seasonal boiler, you must keep records of days of operation per year.
- d. Records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment.
- e. Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.11225(c)(5).

(9VAC5-80-110 and 40 CFR 63.11225(a), (b) and (c))

13. **MACT Subpart JJJJJJ – (BB-1) – Recordkeeping** – The permittee's records shall be in a form suitable and readily available for expeditious review. The permittee shall keep each record for 5 years following the date of each recorded action. The records shall be kept as specified in 40 CFR 63.11225(d).
(9VAC5-80-110 and 40 CFR 63.11225(d))

Fuel Burning Equipment Requirements – (A1 - A6 and B1 – B6)

Limitations

14. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations -** Nitrogen Dioxide emissions from each engine (A1-A6 & B1-B6) shall be controlled by turbo-charging and inlet charge-air cooling. Each cooling system shall maintain an hourly average inlet charge-air temperature not greater than 140°F. The turbo charger and inlet charge-air cooler shall be provided with adequate access for inspection and shall be in operation when the respective engine (A1-A6 & B1-B6) is operating.
(9VAC5-80-110 and Condition 2 of the 3/29/13 Permit Document)
15. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations -** The landfill gas treatment system, at a minimum shall be composed of a de-watering process, filtration, and compression. The landfill gas treatment system shall be provided with adequate access for inspection and shall be in operation when any of the engines (A1-A6 & B1-B6) are operating on landfill gas.
(9VAC5-80-110 and Condition 3 of the 3/29/13 Permit Document)
16. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations -** Each engine (A1-A6 & B1-B6) shall not operate more than 500 hours per year in Mode 1 operation. For the purpose of this permit, Mode 1 operation is defined as follows:

- a. For any one-hour period where the engine began combusting fuel (i.e., started up), the engine is in Mode 1 operation for the one-hour period when more than 2.8 gallons of liquid fuel is combusted in that one-hour period.
- b. For any one-hour period where the engine did not have a start-up, the engine is in Mode 1 operation for the one-hour period when more than 2.2 gallons of liquid fuel are combusted in that one-hour period.

Mode 2 operation is any other operation not defined as Mode 1 operation in Condition 16.a and 16.b above.

Annual hours of operation shall be calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

(9VAC5-80-110 and Condition 10 of the 3/29/13 Permit Document)

17. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations** – The approved fuels for the engines (A1-A6 & B1-B6) is distillate fuel, biodiesel fuel and landfill gas. A change in the fuels may require a permit to modify and operate.
(9VAC5-80-110 and Condition 11 of the 3/29/13 Permit Document)

18. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations** - The fuels for the facility shall meet the specifications below:

DISTILLATE FUEL which meets the ASTM D396 specification for Grades 1 or 2

Maximum sulfur content per shipment: 0.0015%

BIODIESEL FUEL which meets the ASTM D6751 specification:

Maximum sulfur content per shipment: 0.0015%

(9VAC5-80-110 and Condition 12 of the 3/29/13 Permit Document)

19. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations** - The permittee shall obtain a certification from the fuel supplier with each shipment of 1 or 2 distillate fuel or biodiesel fuel. Each fuel supplier certification shall include the following:
 - a. The name of the fuel supplier;
 - b. The date on which the distillate fuel or biodiesel fuel was received;
 - c. The quantity of distillate fuel or biodiesel fuel delivered in the shipment;

- d. A statement that the distillate fuel complies with the American Society for Testing and Materials specifications (ASTM D975) for Grades 1 or 2; or a statement that the biodiesel fuel complies with the American Society for Testing and Materials specification (ASTM D6751);
- e. The sulfur content of the distillate fuel or biodiesel fuel.

Fuel sampling and analysis, independent of that used for certification, as may be periodically required or conducted by DEQ may be used to determine compliance with the fuel specifications stipulated in Condition 18. Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.
(9VAC5-80-110 and Condition 13 of the 3/29/13 Permit Document)

20. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations -**
Emissions from A1-A6 (S1) & B1-B6 (S2) shall not exceed the emissions limit calculated using the equation below.

$$EL \text{ for } S1 = A1-6 (g) \times ER (g) + A1-6 (d) \times ER (d)$$

$$EL \text{ for } S2 = B1-6 (g) \times ER (g) + B1-6 (d) \times ER (d)$$

Where:

A1-6 (g) = number of engines A1-A6 in Mode 2 operation.

A1-6 (d) = number of engines A1-A6 in Mode 1 operation.

B1-6 (g) = number of engines B1-B6 in Mode 2 operation.

B1-6 (d) = number of engines B1-B6 in Mode 1 operation.

EL for S1 = emission limit of pollutant for Stack S1

EL for S2 = emission limit of pollutant for Stack S2

ER (g) = emission rate of pollutant for each engine in Mode 2 operation*

*NO_x ER(g) is 2.5 lb/hr per engine.

CO ER(g) is 3.0 lb/hr per engine.

PM₁₀ ER(g) is 1.1 lb/hr per engine.

VOC ER(g) is 1.5 lb/hr per engine.

ER (d) = emission rate of pollutant for each engine in Mode 1 operation**

**NO_x ER(d) is 7.2 lb/hr per engine.

CO ER(d) is 3.9 lb/hr per engine.

PM₁₀ ER(d) is 1.1 lb/hr per engine.

VOC ER(d) is 1.5 lb/hr per engine.

(9VAC5-80-110 and Condition 14 of the 3/29/13 Permit Document)

21. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations -** Emissions from the operation of the facility (Ref. Nos. A1-A6 (S1) & B1-B6 (S2) combined) shall not exceed the limits specified below:

PM10	57.8 tons/yr
Nitrogen Oxides (as NO ₂)	146.0 tons/yr
Carbon Monoxide	160.4 tons/yr
Volatile Organic Compounds	78.8 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 16, 17, 18 and 20.
(9VAC5-80-110 and Condition 15 of the 3/29/13 Permit Document)

22. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations -** Visible emissions from the engines (A1-A6 & B1-B6) stacks (S1-S2) shall not exceed 10 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 20% percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9VAC5-80-110 and Condition 16 of the 3/29/13 Permit Document)

23. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Limitations -** At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9VAC5-80-110 and Condition 28 of the 3/29/13 Permit Document)

Monitoring

24. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Monitoring** - The engines (A1-A6 & B1-B6) shall be equipped with devices to continuously measure and record the total consumption of landfill gas, distillate fuel and biodiesel fuel by the engines (A1-A6 & B1-B6). Each device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the respective engine is operating.
(9VAC5-80-110 and Condition 4 of the 3/29/13 Permit Document)
25. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Monitoring** - Each engine (A1-A6 & B1-B6) shall be equipped with devices to continuously measure and record the amount of liquid fuel combusted in each engine (A1-A6 & B1-B6). The devices shall measure no less frequently than once per minute. Each device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the respective engine is operating.
(9VAC5-80-110 and Condition 5 of the 3/29/13 Permit Document)
26. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Monitoring** - Each of the engines (A1-A6 & B1-B6) shall be equipped with a device to continuously measure engine inlet charge-air temperature. Each device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each device shall be provided with adequate access for inspection and shall be in operation when the respective engine is operating.
(9VAC5-80-110 and Condition 6 of the 3/29/13 Permit Document)
27. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Monitoring** - The landfill gas transport system shall be equipped with a device to continuously measure the differential pressure drop across the landfill gas filter. At a minimum, devices shall be located just before and just after the filter and after the completed treatment process. Each

device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each device shall be provided with adequate access for inspection and shall be in operation whenever any engine is operating on landfill gas.

(9VAC5-80-110 and Condition 7 of the 3/29/13 Permit Document)

28. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Monitoring -** To ensure good performance, the devices used to continuously measure the differential pressure drop across the landfill gas filter shall be observed by the facility with a frequency of not less than once per day whenever treated landfill gas is combusted in any of the engines (A1-A6 & B1-B6). The facility shall keep a log of the observations.

(9VAC5-80-110 and Condition 8 of the 3/29/13 Permit Document)

29. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Monitoring -** The monitoring devices used to measure inlet charge-air temperature shall be observed by the facility with a frequency of not less than once per hour whenever the engines (A1-A6 & B1-B6) are operating. The facility shall keep a daily log of the temperature observations of the devices and the time the observation was recorded.

(9VAC5-80-110 and Condition 9 of the 3/29/13 Permit Document)

30. **Fuel Burning Equipment Requirements – (A1 – A6 and B1 – B6) – Monitoring -** At least one time per calendar week, an observation of the presence of visible emissions from each engine stack (Stack S-1 and Stack S-2) shall be made. The presence of visible emissions shall require the permittee to:

- a. Take timely correction action such that the engine(s) resumes operation with no visible emissions, or,
- b. Conduct a visible emission evaluation (VEE), in accordance with EPA Method 9 (reference 40 CFR 60 Appendix A) for a minimum of six minutes, to assure visible emissions from the affected stack is 10 percent opacity or less. If any of the observations exceeds the opacity limitation of 10 percent, the observation period shall continue until a total of sixty (60) minutes of observations have been completed. Timely corrective action shall be taken, if necessary, such that the affected engine(s) resumes operation within the 10 percent opacity limit.
- c. If visible emissions observations conducted for a particular source during twelve (12) consecutive weeks show no visible emissions, the permittee with DEQ concurrence, may reduce the monitoring frequency to once per calendar month for that source. Any time the monthly visible emissions inspection shows observable opacity, or when requested by DEQ, the monitoring frequency shall be increased to once per week.

The permittee shall maintain an observation log to demonstrate compliance. The logs shall include the date and time of the observations, whether or not there were visible emissions

the results of all VEEs, any necessary corrective action, and the name of the observer. If an engine has not been operated for any period during the week, it shall be noted in the log book.

(9VAC5-80-110)

Recordkeeping

31. Fuel Burning Equipment Requirements - (A1 – A6 and B1 – B6) – Recordkeeping -

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Blue Ridge Regional Office. These records shall include, but are not limited to:

- a. Hourly, monthly and annual consumption of landfill gas, distillate fuel, and biodiesel. Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period; Annual consumption of each fuel shall be calculated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
- b. Hourly records of engine inlet charge-air temperature readings to verify compliance with Condition 14.
- c. Records to demonstrate compliance with the operating hour limitations outlined in Condition 16, including but not limited to, all data and calculations in determining Mode 1 operation;
- d. Results of all calibrations and tests to verify or modify the calculations utilized to determine liquid fuel consumption from injector pulse duration;
- e. Monthly and annual emission (in tons) from the engines (A1-A6 & B1-B6) stacks (S1–S2) using calculation methods approved by the Blue Ridge Regional Office to verify compliance with ton/yr emission limitations in Condition 21. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period;
- f. Results of all stack tests, visible emission evaluations and performance evaluations;
- g. All fuel supplier certifications;
- h. Scheduled and unscheduled maintenance on the engines;
- i. Operating procedures and operator training records for the engines; and
- j. The observation log for the purpose of recording the differential pressure drop across the landfill gas filter as required by Conditions 27 and 28.

- k. Results of weekly/monthly visible emission evaluations of the engine stacks as required by Condition 30.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9VAC5-80-110 and Condition 17 of the 3/29/13 Permit Document)

Testing

- 32. **Fuel Burning Equipment Requirements - (A1 – A6 and B1 – B6) – Testing** - The facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. This includes constructing the facility/equipment such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and provided a stack or duct that is free from cyclonic flow. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided.
(9VAC5-80-110 and Condition 18 of the 3/29/13 Permit Document)
- 33. **Process Equipment Requirements – (A1 – A6 and B1 – B6) – Testing - COMPLETED** - The permittee shall conduct an initial performance test for NO_x, CO, VOCs and PM₁₀ from one set of engines (A1-A6 or B1-B6) at either stack (S1 or S2) to determine compliance with the emission limits contained in Condition 20. The tests shall be performed while operating each engine on 100% distillate fuel. The tests for NO_x, CO, VOCs, and PM₁₀ shall be conducted concurrently. The tests shall be performed and demonstrate compliance within 60 days after achieving the maximum expected operating rate for each set of engines, [S1 – (A1-A6)] or [S2 – (B1-B6)], but in no event later than 180 days after start-up of any engine installation. Tests shall be conducted and reported and data reduced as set forth in 9VAC5-50-30. The details of the tests are to be arranged with the Blue Ridge Regional Office. For lab testing only, not field testing, samples taken as required by this permit shall be analyzed in accordance with 1 VAC 30-45, Certification for Noncommercial Environmental Laboratories, or 1 VAC 30-46, Accreditation for Commercial Environmental Laboratories. The permittee shall submit a test protocol at least thirty (30) days prior to testing. One copy of the test results shall be submitted to the Blue Ridge Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.
(9VAC5-80-110 and Condition 19 of the 3/29/13 Permit Document)
- 34. **Process Equipment Requirements – (A1 – A6 and B1 – B6) – Testing** - The permittee shall conduct an initial performance test for NO_x, CO, VOCs and PM₁₀ from one set of engines (A1-A6 or B1-B6) at either stack (S1 or S2) to determine compliance with the emission limits contained in Condition 20. The tests shall be performed while operating each engine on 100% biodiesel fuel. The tests for NO_x, CO, VOCs, and PM₁₀ shall be conducted concurrently. The tests shall be performed and demonstrate compliance within

60 days of start-up on firing biodiesel for each set of engines, [S1 – (A1-A6)] or [S2 – (B1-B6)]. Tests shall be conducted and reported and data reduced as set forth in 9VAC5-50-30. The details of the tests are to be arranged with the Blue Ridge Regional Office. For lab testing only, not field testing, samples taken as required by this permit shall be analyzed in accordance with 1 VAC 30-45, Certification for Noncommercial Environmental Laboratories, or 1 VAC 30-46, Accreditation for Commercial Environmental Laboratories. The permittee shall submit a test protocol at least thirty (30) days prior to testing. One copy of the test results shall be submitted to the Blue Ridge Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit. (9VAC5-80-110 and Condition 20 of the 3/29/13 Permit Document)

35. Process Equipment Requirements – (A1 – A6 and B1 – B6) – Testing – COMPLETED

- The permittee shall conduct an initial performance test for NO_x, CO, VOCs and PM₁₀ from one set of engines (A1-A6 or B1-B6) at either stack (S1 or S2) to determine compliance with the emission limits contained in Condition 20. The tests shall be performed while operating each engine in dual fuel mode using 92% landfill gas fraction, unless a lower gas fraction is determined to be normal operation. The tests for NO_x, CO, VOCs and PM₁₀ shall be conducted concurrently. The tests shall be performed and demonstrate compliance within 60 days after achieving the maximum expected operating rate for each set of engines, [S1 – (A1-A6)] or [S2 – (B1-B6)], but in no event later than 180 days after start-up of any engine installation. Tests shall be conducted and reported and data reduced as set forth in 9VAC5-50-30. The details of the tests are to be arranged with the Blue Ridge Regional Office. For lab testing only, not field testing, samples taken as required by this permit shall be analyzed in accordance with 1 VAC 30-45, Certification for Noncommercial Environmental Laboratories, or 1 VAC 30-46, Accreditation for Commercial Environmental Laboratories. The permittee shall submit a test protocol at least thirty (30) days prior to testing. One copy of the test results shall be submitted to the Blue Ridge Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.

(9VAC5-80-110 and Condition 21 of the 3/29/13 Permit Document)

- 36. Process Equipment Requirements – (A1 – A6 and B1 – B6) – Testing** – The permittee shall conduct subsequent performance tests for NO_x, CO, VOCs and PM₁₀ from one set of engines (A1-A6 or B1-B6) at each stack (S1 or S2) to determine compliance with the emission limits contained in Condition 20. The tests required shall at a minimum be conducted once every five years, with each engine set rotated for testing purposes (i.e. A1-A6 tested first, then rotate B1-B6 in 5 years). The tests shall be performed as outlined in Conditions 33, 34, and 35 above. The tests for NO_x, CO, VOCs and PM₁₀ shall be conducted concurrently. Tests shall be conducted and reported and data reduced as set forth in 9VAC5-50-30. The details of the tests are to be arranged with the Blue Ridge Regional Office. For lab testing only, not field testing, samples taken as required by this permit shall be analyzed in accordance with 1 VAC 30-45, Certification for Noncommercial Environmental Laboratories, or 1 VAC 30-46, Accreditation for Commercial Environmental Laboratories. The permittee shall submit a test protocol at least thirty (30) days prior to testing. One copy of the test results shall be submitted to the Blue

Ridge Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.
(9VAC5-80-110 and Condition 22 of the 3/29/13 Permit Document)

37. **Process Equipment Requirements – (A1 – A6 and B1 – B6) – Testing** – Concurrently with the initial and subsequent performance tests required in Conditions 33, 34 and 35, Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall also be conducted by the facility on those engines (tested). Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Blue Ridge Regional Office. The facility shall submit a test protocol at least 30 days prior to testing. The evaluation shall be performed, and reported and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the engine installation. Should conditions prevent concurrent opacity observations, the Blue Ridge Regional Office shall be notified in writing, within seven days, and visible emissions testing shall be rescheduled within 30 days. Rescheduled testing shall be conducted under the same conditions (as possible) as the initial performance tests. One copy of the test result shall be submitted to the Blue Ridge Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9VAC5-80-110 and Condition 23 of the 3/29/13 Permit Document)

Notifications

38. **Process Equipment Requirements – (A1 – A6 and B1 – B6) – Notifications** - The permittee shall furnish written notification to the Blue Ridge Regional Office of:
- a. The actual date on which construction of each of the engines commenced within 30 days after such date. (COMPLETED)
 - b. The anticipated start-up date for each of the engines postmarked not more than 60 days nor less than 30 days prior to such date. (COMPLETED)
 - c. The actual start-up date for each of the engines within 15 days after such date. (COMPLETED)
 - d. The actual start-up date for each of the engines when fired on biodiesel within 15 days after such date.
 - e. The anticipated date of performance tests of the landfill gas to electricity generating plant postmarked at least 30 days prior to such date.

(9VAC5-80-110 and Condition 24 of the 3/29/13 Permit Document)

MACT Subpart ZZZZ – Stationary Reciprocating Internal Combustion Engines (A1 - A6 and B1 – B6)

General Compliance Requirements

39. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – General Compliance Requirements**
- The permittee shall be in compliance with the emission limitations, operating limitations and other requirements in 40 CFR 63 Subpart ZZZZ that apply to the source at all times. At all times the permittee shall operate and maintain the affected source in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records and inspection of the source.
(9VAC 5-80-110 and 40 CFR 63.6605 (a) and (b))
40. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – General Compliance Requirements**
- The permittee must comply with the applicable requirements in Table 8 to Subpart ZZZZ of Part 63 – Applicability of General Provisions to Subpart ZZZZ.
(9VAC5-80-110 and 40 CFR 63.6665)

Emission and Operating Limitations

41. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Limitations** - The permittee shall comply with the requirements in Item 13 of Table 2d to Subpart ZZZZ of Part 63.
(9VAC 5-80-110 and 40 CFR 63.6603)
42. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Limitations** – The diesel fuel used by the engines (A1 – A6 and B1 – B6) must meet the requirements in 40 CFR 80.510(b) for nonroad diesel fuel.
(9VAC5-80-110 and 40 CFR 63.6604)

Initial Compliance Requirements

43. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Operation & Maintenance** - The permittee shall operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
(9VAC 5-80-110 and 40 CFR 63.6625(e))
44. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Operation & Maintenance** - The permittee shall minimize the engine's time spent at idle during startup and minimize the

engines' startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.

(9VAC 5-80-110 and 40 CFR 63.6625(h))

Continuous Compliance Requirements

45. MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Continuous Compliance

Requirements - The permittee shall demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Table 2d to Subpart ZZZZ of Part 63 that apply to the source according to the methods specified in Table 6 to Subpart ZZZZ of Part 63.

- a. The permittee shall report each instance in which the permittee did not meet each emission limitation or operating limitation in Table 2d to Subpart ZZZZ of Part 63 that applies to the source. These deviations shall be reported as specified in 40 CFR 63.6640(b).

(9VAC5-80-110 and 40 CFR 63.6640(a) and (b))

46. MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Continuous Compliance

Requirements – The permittee shall report each instance in which the permittee did not meet the applicable requirements in Table 8 to Subpart ZZZZ of Part 63.

(9VAC5-80-110 and 40 CFR 63.6640(e))

Notifications, Reports and Recordkeeping

47. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Reporting** – The permittee must report all deviations as defined in 40 CFR 63 Subpart ZZZZ in the semiannual monitoring report required by Condition 57. If an affected source submits a Compliance report pursuant to Table 7 of Subpart ZZZZ of Part 63 along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in 40 CFR 63 Subpart ZZZZ, submission of the Compliance report shall be deemed to satisfy any obligations to report the same deviation in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(9VAC5-80-110 and 40 CFR 63.6650(f))

48. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Recordkeeping** - The permittee shall keep the following records:

- a. A copy of each notification and report that the permittee submitted to comply with Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that the permittee submitted, according to the requirement in §63.10(b)(2)(xiv).

- b. Records of the occurrence and duration of each malfunction of operation (i.e. process equipment) or the air pollution control and monitoring equipment.
- c. Records of performance tests and performance evaluations as required in 40 CFR 63.10(b)(2)(viii).
- d. Records of all required maintenance performed on the air pollution control and monitoring equipment.
- e. Records of all actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
- f. Records demonstrating compliance with the management practices required in Condition 41.
- g. Records of the maintenance conducted on the stationary RICE in order to demonstrate that the source operated and maintained the stationary RICE and after-treatment control device (if any) according to the permittee's maintenance plan.

(9VAC5-80-110 and 40 CFR 63.6655(a), (d), and (e))

49. **MACT Subpart ZZZZ – (A1 – A6 and B1 – B6) – Recordkeeping** - The permittee's records shall be in a form suitable and readily available for expeditious review, according to §63.10(b)(1):
- a. As specified in §63.10(b)(1), the permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
 - i. The permittee must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action report, or record, according to §63.10(b)(1).

(9VAC 5 80-110 and 40 CFR 63.6660)

Facility Wide Conditions

50. **Facility Wide Conditions – Recordkeeping** – The permittee shall maintain records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time, duration, description (emission unit,

pollutant affected, cause), corrective action, preventive measures taken and name of person generating the record.

(9VAC5-80-110 and Condition 29 of the 3/29/13 Permit Document)

Insignificant Emission Units

51. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9VAC5-80-720B)	Rated Capacity (9VAC5-80-720C)
T1	Distillate/Biodiesel Fuel Oil Storage Tank (12,000 gallons)	9VAC5-80-720B	VOC	---
T2	Lubricating Oil Storage Tank (500 gallons)	9VAC5-80-720B	VOC	---
T3	Used Lubricating Oil Storage Tank (500 gallons)	9VAC5-80-720B	VOC	---
T4	Distillate Fuel Oil Tank (275 gallons)	9VAC5-80-720B	VOC	---

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110. (9VAC5-80-110)

Permit Shield & Inapplicable Requirements

52. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	The engines (A1-A6 and B1-B6) commenced construction prior to 7/11/05 and were manufactured prior to 4/1/06. Therefore, the engines are not subject to this standard.
40 CFR Part 64	Compliance Assurance Monitoring (CAM)	The engines do not have control devices as defined in 40 CFR 64.1 to achieve compliance with the nitrogen dioxide and carbon monoxide emission limitations. Therefore, the engines are not subject to this standard.
40 CFR 60 Subpart WWW	Standards of Performance for Municipal Solid Waste Landfills	The INGENCO facility is not a municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991. The facility is a landfill gas to electricity generating plant. Therefore, the facility is not subject to this standard.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	Tanks 1 – 4 (T-1, T-2, T-3 and T-4) are not subject to this standard as the storage vessels do not have a design capacity greater than or equal to 75 m ³ (approximately 19,813 gallons).

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9VAC5-80-110 and 9VAC5-80-140)

General Conditions

53. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9VAC5-80-110)
54. **General Conditions - Permit Expiration**
 - a. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete

application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

- b. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
- c. If an applicant submits a timely and complete application for an initial permit or renewal under 9VAC5-80-80 F, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-150.
- d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
- e. If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
- f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)

55. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;

- e. The results of such analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

(9VAC5-80-110)

56. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9VAC5-80-110)

57. **General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedances of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semiannual reporting period."

(9VAC5-80-110)

58. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and

DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9VAC5-80-110, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9VAC5-80-110)

59. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Blue Ridge Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 57 of this permit. (9VAC5-80-110 F.2)

60. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, no later than four daytime business hours after the malfunction is discovered, notify the Blue Ridge Regional Office of such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Blue Ridge Regional Office.
(9VAC5-80-110 and 9VAC5-20-180)
61. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9VAC5-80-110)
62. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9VAC5-80-110)
63. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9VAC5-80-110)
64. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9VAC80-110, 9VAC5-80-190, and 9VAC5-80-260)
65. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-110)
66. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to

determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9VAC5-80-110)

67. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.
(9VAC5-80-110)
68. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit was issued under 9VAC5-80-50 through 9VAC5-80-300 shall pay annual emissions fees, as applicable, consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 and annual maintenance fees, as applicable, consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350.
(9VAC5-80-110, 9VAC5-80-310 et seq., and 9VAC5-80-2310 et seq.)
69. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9VAC5-80-110 and 9VAC5-50-90)

70. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9VAC5-80-110 and 9VAC5-50-20 E)

71. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.

(9VAC5-80-110)

72. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9VAC5-80-110 and Condition 27 of the 3/29/13 Permit Document)

73. **General Conditions - Reopening for Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if

the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)

74. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9VAC5-80-110 and 9VAC5-80-150)

75. **General Conditions – Permit Availability** – The permittee shall keep a copy of the March 29, 2013 permit on the premises of the facility to which it applies.
(9VAC5-80-110 and Condition 33 of the 3/29/13 Permit Document)

76. **General Conditions - Transfer of Permits**

- a. No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.
- b. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.
- c. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110 and 9VAC5-80-160 and Condition 32 of the 3/29/13 Permit Document)

77. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9VAC5-80-110, 9VAC5-80-190 C, and 9VAC5-80-260)
78. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9VAC5-80-110 and 9VAC5-80-80 E)
79. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(9VAC5-80-110 and 40 CFR Part 82)
80. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9VAC5-80-110 and 9VAC5-60-70)
81. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(9VAC5-80-110 and 40 CFR Part 68)
82. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9VAC5-80-110)
83. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to

the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
- b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
- c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.

(9VAC5-80-110)